

REMARKS

Please enter the present amendment prior to examination of the above referenced patent application. Claims 1-42 are hereby cancelled without prejudice. Claims 43-68 are newly presented for examination. Entry of this preliminary amendment and consideration of the remarks below are respectfully requested.

Specification

The present application is a Continuation Application of co-pending U.S. Application No. 09/900,443, filed July 6, 2001. Accordingly, the present specification is amended to expressly reference the earlier filed application.

New Claims

New claim 43 recites, in pertinent part, “a compensating member coupled to at least one of said reflectors and configured to **thermally adjust an optical path length** between said reflectors.” Applicants respectfully submit that the prior art of record, including U.S. Patent No. 6,470,036 B1 to Bailey et al. (“Bailey”) fails to disclose the aforementioned recited element of claim 43.

In fact, referring to FIG. 2 of Bailey, Bailey discloses

Also shown in FIG. 2 is an optional temperature sensor 50 that can be used to provide an indication of temperature of the grating 14 to the controller 65, which can then ***exert a compressive force adequate to compensate for the effect of any change in temperature*** of the grating. (emphasis added)

Bailey, col. 6, lines 5-10. Therefore, piezoelectric crystal 17 exerts a ***compressive force***, but does not thermally adjust anything. Rather, piezoelectric crystal 17 exerts a compressive force ***to compensate for any change*** in temperature of grating 14. Thus, piezoelectric crystal 17 applies a compressive force, rather than a thermal adjustment. Applying a compressive force to compensate for changes in temperature is very different from thermally adjusting an optical path length.

Consequently, the prior art of record fails to anticipate each and every element of claim 43, as required under M.P.E.P. § 2131.

Similarly, newly added independent claims 52 and 58 recite, in pertinent part, “adjusting an optical path length of said laser cavity by *thermally adjusting* a length of a compensating member...”. Newly added independent claim 65 recites, in pertinent part, “means for *thermally adjusting* a length of the optical path between said reflectors.” For the reasons discussed above in connection with independent claim 43, Applicants respectfully submit that Bailey fails to disclose each and every element of claims 52, 58, and 65.

CONCLUSION

In view of the foregoing preliminary amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.